

REMARKS

In the Office Action mailed August 24, 2006, claims 1, 2, 5-17, 24-37, 39-66, 72-87, 94-107, and 109-133 were pending. Claims 30 and 100 have been canceled. In the Office Action, the Examiner rejected claims 1, 5-10, 24-29, 36, 37, 39-47, 59, 60, 72-80, 94-99, 106-107, 109-114, and 126-127 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,897,269 to Mezei et al. (hereinafter "Mezei"). The Examiner also rejected claims 2, 11-17, 48, 49, 51-58, 61-66, 81-87, 115-116, 118-125, and 128-133 under 35 U.S.C. 103(a) as being unpatentable over Mezei. Each of these rejections will be addressed in turn below. It is respectfully requested that the Examiner further consider the application in view of these remarks and grant allowance thereof.

Rejection Under 35 U.S.C. 102(b)

The Examiner rejected claims 1, 5-10, 24-29, 36, 37, 39-47, 59, 60, 72-80, 94-99, 106-107, 109-114, and 126-127 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,897,269 to Mezei et al. The Examiner also indicated that claims 30-35, 50, 100-105, and 117 were allowable if rewritten in independent form. As discussed above, claims 1 and 74 have been amended so as to incorporate the limitations of claims 30 and 100 respectively, specifically that the solid particles include a stabilizing agent. Additionally, the newly added claims correspond to the previously pending claims except that the independent claims include the limitation that the active agent is fenofibrate which corresponds to allowable claims 50 and 117. Based on the Examiner's statement in the office action, each of the presently pending claims is now in allowable form. Therefore, it is respectfully requested that the rejection be withdrawn and the claims be allowed.

Rejection under 103(a)

The Examiner has rejected claims 2, 11-17, 48, 49, 51-58, 61-66, 81-87, 115-116, 118-125, and 128-133 under 35 U.S.C. 103(a) as being unpatentable over Mezei. As discussed above, each of the presently pending claims includes a limitation of one of the claims 30, 50, 100, or 117, which were deemed to be allowable. Therefore, in accordance with the Office action, each of the presently pending claims is in allowable condition. As such, it is respectfully requested that this rejection be withdrawn and the each of the claims be allowed.

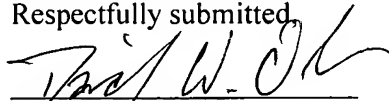
CONCLUSION

If any impediment to the entry of the present amendments of the claims and examination of the application remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone Mr. David Osborne or in his absence the undersigned at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 20th day of November, 2006.

Respectfully submitted,



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